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JUN 28 2006

OFFICE OF PETITIONS

In re Application of :  
Hibiki Saeki et al :  
Application No. 10/723,942 :  
Filed: November 26, 2003 :  
Attorney Docket No. SIW-074RCE2 :

ON PETITION

This is a decision on the petition, filed June 27, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on May 22, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3661 will consider the request for continued examination under 37 CFR 1.114.

*Karen Creasy*  
Karen Creasy  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Paper No. \_\_\_\_\_

Date : June 28, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner  
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Hibiki Saeki et al  
Application No. : 10/723,942  
Filed : November 26, 2003

The above-identified application has been assigned Patent No. 7,076,344 and an issue date of July 11, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of July 11, 2006:

"All reference to Patent No. 7,076,344 to Hibiki Saeki et al of Japan for CONTROL APPARATUS FOR FUEL CELL VEHICLE appearing in the Official Gazette of July 11, 2006 should be deleted since no patent was granted."

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03, (FAX-273-5468)  
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